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13 IN THE UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

v.

17 Esam ALI (1), and
18 Fawaz ALI (2),

19 Defendants.

CASE NO. 1:20-CR-00130-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: June 29, 2022

TIME: 1:00 p.m.

COURT: Hon. Shiela K. Oberto

This case is set for status conference on June 29, 2022. As set forth below, the parties now move, by stipulation, to continue the status conference to November 16, 2022, and to exclude the time period between June 29, 2022 and November 16, 2022 under the Speedy Trial Act.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendants' counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on June 29, 2022.
2. By this stipulation, defendants now move to continue the status conference until June 29, 2022, and to exclude time between June 29, 2022, and November 16, 2022, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) In January 2022, the undersigned government counsel substituted into this case.
 - b) The government has represented that the discovery associated with this case is

voluminous and includes many thousands of hours of wiretap calls, hundreds of hours of video, hundreds of investigative reports, hundreds of pictures, and extensive other evidence. This case was a multi-agency wiretap investigation that lasted nearly a year. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

c) Counsel for defendant desires additional time consult with his/her client, to review the current charges, to conduct further investigation and research related to the charges, to review discovery, to discuss potential resolution with government counsel, to evaluate potential pretrial motions. The COVID-19 pandemic has and continues to make certain tasks, such as client meetings, meetings with the government, and case investigation more difficult and more time consuming.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of June 29, 2022 to November 16, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: June 21, 2022

PHILLIP A. TALBERT
United States Attorney

Dated: June 21, 2022

/s/ Carol Moses
Carol Moses
Counsel for Defendant
Esam ALI (1)

Dated: June 21, 2022

/s/ David Balakian
David Balakian
Counsel for Defendant
Fawaz ALI (2)

ORDER

The parties shall be prepared to select a mutually agreeable trial date at the next status conference.

IT IS SO ORDERED.

DATED: 6/22/2022

Sheila K. Oberto
HON. SHEILA K. OBERTO
UNITED STATES MAGISTRATE JUDGE